

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

**Docket No.**

P-4423D1

RECEIVED

MAR 29 2004

**In Re Application Of: D. J. WRIGHT ET AL.**

**OFFICE OF PETITIONS**

Serial No.

Filing Date

**Examiner**

Group Art Unit  
1634

## **METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC ACID SEQUENCE**

## VARIATIONS

Attention: Office of Petitions  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
  - (2) Reply and/or issue fee;
  - (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
  - (4) Statement that the entire delay was unintentional.

1.  A proposed reply to the above-identified notice or action:

is enclosed.       was filed on

The proposed reply is in the form of: **Response pursuant to 37 CFR§ 1.111**

2.  The issue fee:

is enclosed.       was paid on

3.  The abandoned application was a:

design application.  utility application.  plant application.

4.  A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5.  Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.  
P-4423D1

In Re Application Of: D. J. WRIGHT ET AL.

Serial No.  
09/778,218

Filing Date  
2/7/01

Examiner  
B. FORMAN

Group Art Unit  
1634

Invention: METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC ACID SEQUENCE

VARIATIONS

**Calculation and Payment of Fees**

Enclosed are the following fees:

6.  Petition fee under 37 CFR 1.17(m) in the amount of: \$1,330.00
7.  Fee for amendment in the amount of: \_\_\_\_\_
8.  Fee for extension of time to respond to Office Action in the amount of: \_\_\_\_\_
9.  Issue fee in the amount of: \_\_\_\_\_
10.  Continuing application filing fee in the amount of: \_\_\_\_\_
11.  Terminal disclaimer fee in the amount of: \_\_\_\_\_
12.  IDS/PTO-1449/Art \$180.00
- Total fees enclosed: **\$1,510.00**

The fee of **\$1,510** is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 02-1666

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1634

Invention: METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC ACID SEQUENCE

VARIATIONS

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

Allan M. Kiang, Reg. No. 42,725  
Becton Dickinson and Company  
1 Becton Drive  
Franklin Lakes, NJ 07417-1880  
201-847-7111

Dated: March 23, 2004

I certify that this document and fee is being deposited  
on 3/23/04 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Mail Stop Petition, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450.



Signature of Person Mailing Correspondence

Kathleen Monesteri

Typed or Printed Name of Person Mailing Correspondence

CC:



16

**PATENT**  
P-4423D1

**RECEIVED**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

MAR 29 2004

APPLICANT(S): D.J. Wright et al.

**OFFICE OF PETITIONS**

SERIAL NO.: 09/778,<sup>168</sup>218

GROUP: 1634

FILING DATE: February 7, 2001

EXAMINER: B. Forman

FOR: METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC ACID SEQUENCE VARIATIONS

Commissioner of Patents  
Mail Stop Petitions  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231
ON: <u>3/23/04</u> (DATE OF DEPOSIT)
BY: <u>KATHLEEN MUNESTIK</u> (NAME OF DEPOSITER)
<u>K. Munestik</u> (SIGNATURE) <u>3/23/04</u> (DATE)

**PETITION FOR REVIVAL UNDER C.F.R. § 1.137(b) OF APPLICATION FOR PATENT UNINTENTIONALLY ABANDONED**

Sir:

The above-identified patent application became abandoned for failure to file a timely and proper reply to an Office Action dated July 08, 2003. Applicant respectfully submits that such failure was unintentional, and that the subsequent abandonment of the present application was likewise unintentional. Thus, applicant respectfully request revival of the present application.

**APPLICANT PETITIONS FOR REVIVAL OF THIS APPLICATION**

1. Applicant hereby authorizes the Commissioner to charge the amount of \$1,300.00 for the Petition Fee required pursuant to 37 C.F.R. § 1.17(m) to Deposit Account No. 02-1666.

2. Filed herewith is a Reply to the above-noted Office Action.

3. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

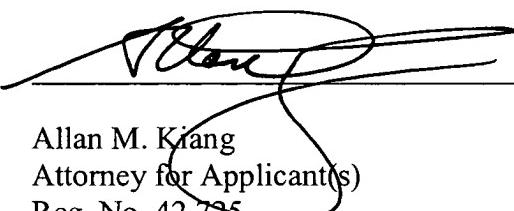
4. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.37(b) was unintentional. Applicant's attorney inadvertently and unintentionally failed to file a timely and proper Reply to the Office Action. Therefore, the undersigned attorney respectfully submits that the application was unintentionally abandoned.

5. The Commissioner is hereby authorized to charge any additional fees for the filing of this Petition to the undersigned attorney's Deposit Account No. 02-1666 or credit the Deposit Account for any overpayment.

Respectfully submitted,

Dated: 3/23/04

By:

  
Allan M. Kiang  
Attorney for Applicant(s)  
Reg. No. 42,725  
(201) 847-7111